

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN HOLLAND,

Plaintiff

v.

C-1-09-240

COMMISSIONER OF SOCIAL SECURITY,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 12) and plaintiff's objections thereto (doc. no. 15).¹ Plaintiff, a Supplemental Security Income claimant, brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security denying plaintiff's application for supplemental security income. The Magistrate Judge concluded that there is substantial

¹ The Magistrate Judge's Report and Recommendation and plaintiff's objections refer to a Dr. Khan. At other times, they refer to a Dr. Kahn. The Court concludes from the context of the documents the references are to the same professional.

evidence to support the Commissioner's findings and recommended that the final decision of the Commissioner that plaintiff is not entitled to benefits be affirmed.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law and unsupported by substantial evidence in the record. Specifically, plaintiff objects to the ALJ's consideration and determination of the issue of sustainability of work in objections 1 and 3 and in objection 2, plaintiff objects to the ALJ's finding that plaintiff was not disable under SSR 96-9p.

Judicial review of the Commissioner's decision is limited in scope by 42 U.S.C. § 405(g). The Court's sole function under the statute is to determine whether there is substantial evidence to support the Commissioner's findings of no disability. The Commissioner's findings should stand if, after a review of the record in its entirety, the Court finds that the decision is supported by "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Richardson v. Perales*, 402 U.S. 389, 401 (1971); *Mullen v. Sec. of HHS*, 800 F.2d 535 (6th Cir. 1986); *Kirk v. Sec. of HHS*, 667 F.2d 524 (6th Cir. 1981), *cert. denied* 461 U.S. 957 (1983).

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Magistrate Judge or present no particularized arguments that warrant specific responses by this Court.

Upon *de novo* review, the Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge that the Commissioner has correctly applied the principles of law after considering all the evidence, the combined effects of plaintiff's impairments and making and explaining the credibility findings. This Court concludes the Commissioner's decision in this case is supported by substantial evidence in the record.

Accordingly, the Court ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge and the final decision of the Commissioner denying plaintiff supplemental security income benefits is hereby AFFIRMED. This case is TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber

Herman J. Weber, Senior Judge
United States District Court